

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ESTATE OF ERROL DYER,  
DECEASED, and FAY DYER,**

**Plaintiffs *Pro Se*,**

**v.**

**GREGORY “JACQUES” STANISLAUS,  
JR., ET AL.,**

**Defendants.**

**Civil Action No.: 13-738 (ES) (MAH)**

**MEMORANDUM OPINION & ORDER**

**SALAS, DISTRICT JUDGE**

Pending before the Court is the October 27, 2015 Order to Show Cause, brought on Magistrate Judge Michael A. Hammer’s own motion,<sup>1</sup> why Plaintiffs’ Complaint should not be dismissed for failure to prosecute. (D.E. No. 95). On December 2, 2015, Judge Hammer issued a Report and Recommendation that the undersigned dismiss Plaintiff’s Complaint with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (D.E. No. 96). The parties had fourteen days to file and serve any objections to Judge Hammer’s Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). To date, neither party has filed any objections.

Having reviewed the case history, relevant submissions, and Judge Hammer’s Report and Recommendation, and for the reasons stated therein,

<sup>1</sup> “A Court may raise a motion to dismiss an action under Rule 41 *sua sponte* under its inherent case management powers.” *Vrlaku v. Citibank*, No. 05-1720, 2005 WL 2338852, at \*2 (D.N.J. Sept. 23, 2005).

**IT IS** on this 8th day of March 2016,

**ORDERED** that this Court adopts Magistrate Judge Hammer's Report and Recommendation, (D.E. No. 96), in full, as the Opinion of this Court; and it is further

**ORDERED** that Plaintiffs' Complaint, (D.E. No. 1), is DISMISSED *with* prejudice; and it is further

**ORDERED** that the Clerk shall mark this case closed.

/s/ Esther Salas  
**Esther Salas, U.S.D.J.**